

NOTE: CHANGES MADE BY COURT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KIMBERLY HUDSON-BRYANT,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

OCMBC, INC. D/B/A
LOANSTREAM,

Defendant.

Case No. 8:24-cv-00067-FWS-JDE

**ORDER RE JOINT MOTION FOR
EXTENSION OF TIME OF
CERTAIN DISCOVERY
DEADLINES [27]**

Having reviewed and considered the Joint Motion for Extension of Time of
Certain Discovery Deadlines [27] (the “Stipulation”),¹ the files and records of the

¹ Because the Joint Motion is signed by and requested by both parties, the court construes the Joint Motion as a stipulation. *Brown Jordan Int’l Inc. v. Boles*, 375 F. App’x 700, 701 (9th Cir. 2001) (“[T]he label on a motion has little or no significance.”); *United States v. Robles*, 2022 WL 1138111, at *1 (D. Guam Apr. 18, 2022) (Footnote Cont’d on Following Page)

case, and for the good cause demonstrated in the Stipulation, the court, in its discretion, **ORDERS** the court's April 16, 2024, Scheduling Order [22] **MODIFIED** to read as follows (with changes indicated by italics):²

EVENT	DATE
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Tuesday at 8:30 a.m.	First Day: 6/10/2025
Parties' Estimated Trial Length	10 days
Final Pretrial Conference & Hearing on Motions in Limine [Thursday at 8:30 a.m., at least 12 days before trial]	5/1/2025
Last Date to Hear Motion to Amend Pleadings /Add Parties [Thursday]	9/19/2024
Non-Expert Discovery Cut-Off (no later than deadline for filing dispositive motions)	10/15/2024
Expert Disclosure (Initial)	10/29/2024
Expert Disclosure (Rebuttal)	11/12/2024
Expert Discovery Cut-Off	11/14/2024
Last Date to Hear Motions [Thursday]	1/16/2025

2022) (“[A] court will construe a motion, however styled, to be the type proper for the relief requested.”); *Hasbrouck v. Texaco, Inc.*, 879 F.2d 632, 635 (9th Cir. 1989) (courts “decide whether a motion, however styled, is appropriate for the relief requested” and the “nomenclature the movant uses is not controlling”) (citations omitted).

² This Order is now the Operative Scheduling Order in this matter. Given the record, including the information in the Stipulation, the court's Order Setting Rule 26(f) Scheduling Conference and attached Worksheet (Dkt. 16), and the Parties' Joint 26(f) Report (Dkt. 20), the court is disinclined to grant additional requests for continuances of the trial date and accompanying dates, absent a strong showing. This strong showing, if any, shall comply with the applicable law, including Fed. R. Civ. P. 16(b)(4), *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (stating “Rule 16(b)'s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment,” “the focus of the inquiry is upon the moving party's reasons for seeking modification,” and “[i]f that party was not diligent, the inquiry should end”), and *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (stating “[t]he pretrial schedule may be modified if it cannot reasonably be met despite the diligence of the party seeking the extension,” and “[i]f the party seeking the modification was not diligent, the inquiry should end and the motion to modify should not be granted”) (citations and internal quotation marks omitted). The Parties should plan accordingly.

1	• Motion for Summary Judgment due at least 6 weeks before hearing	
2	• All other motions due at least 4 weeks before hearing	
3	• Opposition due 2 weeks after Motion is filed	
4	• Reply due 1 week after Opposition is filed	
5	Deadline to Complete Settlement Conference [L.R. 16-15] Select one:	1/22/2025
6	<input type="checkbox"/> 1. Magistrate Judge (with Court approval)	
7	<input type="checkbox"/> 2. Court's Mediation Panel	
8	<input checked="" type="checkbox"/> 3. Private Mediation	
9	Trial Filings (first round)	3/20/2025
10	• Motions in Limine with Proposed Orders	
11	• <i>Daubert</i> Motions with Proposed Orders ³	
12	• Memoranda of Contentions of Fact and Law [L.R. 16-4]	
13	• Witness Lists [L.R. 16-5]	
14	• Joint Exhibit List [L.R. 16-6.1]	
15	• Joint Status Report Regarding Settlement	
16	• Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only)	
17	• Declarations containing Direct Testimony, if ordered (bench trial only)	
18	• <i>Affirmative Deposition Designation(s)</i>	
19	Trial Filings (second round)	3/27/2025
20	• Oppositions to Motions in Limine	
21	• Oppositions to <i>Daubert</i> Motions ⁴	
22	• Joint Proposed Final Pretrial Conference Order [L.R. 16-7]	
23	• Joint/Agreed Proposed Jury Instructions (jury trial only)	
24	• Disputed Proposed Jury Instructions (jury trial only)	
25	• Joint Proposed Verdict Forms (jury trial only)	
26	• Joint Proposed Statement of the Case (jury trial only)	
27	• Proposed Additional Voir Dire Questions, if any (jury trial only)	
28	• Evidentiary Objections to Declarations of Direct Testimony (bench trial only)	
	• <i>Objections and Counter Deposition Designation(s)</i>	

³ *Daubert* motions and oppositions to *Daubert* motions shall not exceed ten (10) pages in length.

⁴ Pursuant to this court's order on pretrial and trial procedures, the parties shall not file replies to the motions in limine. (See Dkt. 23 at 4 ("Unless the court determines otherwise, counsel shall not file any replies.")) In addition, unless the court determines otherwise, the parties shall not file replies to any *Daubert* motions.

• <i>Objections to Counter Designation(s) and Counter-Counter Deposition Designation(s)</i>	4/3/2025

IT IS SO ORDERED.

Dated: June 28, 2024



Hon. Fred W. Slaughter
UNITED STATES DISTRICT JUDGE

CC: ADR